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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fifth and sixth periodic reports of Chile

Addendum

Information provided by Chile in follow-up to the concluding observations*

[Date received: 26 February 2015]

* The present report is being issued without formal editing.

Please recycle

Background

In paragraph 56 of the concluding observations to the fifth and sixth periodic reports of Chile (CEDAW/V/CHL/CO/5-6), referring to "Follow-up to concluding observations", the Committee on the Elimination of Discrimination against Women requested the Chilean State to provide, within two years, written information on steps undertaken to implement recommendations contained in paragraphs 19 (a) (on violence against women) and 25 (a) and (b) (on women's participation in political and public life).

Pursuant to the Committee's request, following is an account of the principal steps undertaken to implement the aforementioned recommendations:

I. Violence against women

19. The Committee calls on the State party to:

(a) Amend its law on domestic violence (Act No. 20.066) to include a specific definition of domestic violence as a criminal offence covering both physical and psychological violence and remove the requirement of "habitual ill-treatment" with a view to enabling the criminal investigation of all acts of domestic violence and the prosecution of perpetrators;

Here, it may be said that Act No. 20.066, the current Law on Domestic Violence, does encompass both physical and psychological violence. However, the latter is restricted to the family sphere and relations between partners and omits other manifestations of violence against women. For that reason, the Government Programme of Her Excellency, the President of the Republic, Michelle Bachelet, commits to amending the current Law on Domestic Violence to include all types of gender violence against women, and not just that experienced within families or between partners, regardless of whether these forms of violence (between partners, sexual, or other) are manifested in the public or private sphere.

That has involved assessing how effective Act No. 20.066 is in preventing, punishing and eradicating violence against women, the framework in which the offense of habitual ill-treatment will also be assessed. Without prejudice thereto, it is worth mentioning that today, even when they are not "habitual", psychological violence and physical violence without lesions are punished in proceedings before family courts.

As part of Chile's current policy for eradicating violence against women and pursuant to President Bachelet's Government programme, the National Service for Women called, in July 2014, for the drafting of a **National Plan of Action against Violence towards Women**, which was then submitted for gradual implementation during President Michelle Bachelet's term in office.

The organizational structure of the National Plan of Action provides for a **General Coordination office** comprised of the highest-level authorities in each Government agency; and a **Technical Committee** made up of the counterparties of each of the institutions involved and representatives of international organizations and civil society.

This National Plan's objectives include strengthening capacities in various sectors to prevent and deal with violence against women, by formulating strategies that foster actions to address the problem nationwide. Within that framework, work has begun on reviewing strengths and critical aspects of Act

No. 20.066 on domestic violence and on the production, systematization, and uniform registration of information needed to grasp the scale of violence against women in Chile, thereby laying foundations for an integrated information system.

The strategy being pursued by the Government is in line with international instruments to which the Chilean State is party, especially the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (1994).

Within the National Plan of Action framework, on 10 September 2014, the **Critical Aspects and Strengths of Act No. 20.066 Commission** was established to highlight strengths and shortcomings in current implementation of the Act, as well as amendments needed to ensure that Chile has legal provisions in place on gender violence against women that cover a wider range of its manifestations and contexts.

This Commission comprises members of State institutions, civil society organizations and international organizations. It will produce:

1. A diagnostic assessment of the current Act No. 20.066;

2. Debate and soul-searching on challenges posed by new legal provisions on gender violence against women;

3. A progress report, containing a partial assessment to date of Act No. 20.066 and challenges posed by new legal provisions on gender violence against women;

4. A final report, with a full systematic summary of:

(i) The diagnostic assessment of current Act No. 20.066;

(ii) The discussion of ideas supported by a majority and major areas of dissent and complexity.

The findings of this Commission will serve as input for a bill amending Act No. 20.066 to be presented to the National Congress in the second half of 2015.

One major agreement reached in this Commission concerns the need to progress towards a comprehensive set of legal provisions on violence against women. The transition involves a qualitative change from current (first-generation) legislation on domestic violence towards second-generation legislation, that is to say laws that address all forms of gender violence against women, not just in the domestic or family environment, but also in public spheres, but covering the different forms of violence to which women in Chile are subjected.

II. Participation in political and public life

25. The Committee calls on the State party to:

(a) Consider adopting, wherever necessary, temporary special measures, in order to accelerate the full and equal participation of women in public and political life;

(b) Strengthen efforts aimed at increasing participation of women in political life at national and municipal levels, including by conducting awareness-raising campaigns which also target indigenous women, by providing incentives for political parties to nominate equal numbers of women and men as candidates and adequately funding campaigns of women candidates;

With regard to the aforementioned recommendations, it is worth noting that the Government Programme of Her Excellency, the President of the Republic, Michelle Bachelet, provides for "measures to ensure a balanced division of women and men in Congress, the governing bodies of political parties, Government institutions, in managerial and board of director positions in State-owned or partly State-owned enterprises, in the ministerial cabinet and in regional governments; we will develop programmes to disseminate women's rights and a National Fund to support initiatives to strengthen women's associations and leadership".

Steps are being taken in a number of spheres to follow up on those commitments:

In the electoral arena, the Government sponsored a bill "replacing the binominal electoral system with an inclusive proportional system and making the National Congress more representative". This bill, presented in the form of a Presidential Message, was admitted to the National Congress on 6 May 2014 (Bulletin 9326-07) and approved in its third constitutional reading in the Chamber of Deputies on 20 January 2015. The mandatory preliminary control by the Constitutional Court is still pending.

The adoption of this bill will not only enhance the proportionality of our parliamentary electoral system; it also incorporates a **gender parity criterion** for the composition of lists of candidates, whereby neither gender can be represented with more than 60 per cent nor less than 40 per cent of the total number of candidates.

In addition to the gender parity criterion to reform the electoral system, the bill establishes that failure to abide by that criterion will trigger rejection of all the party's candidacies that do not meet said requirement, without prejudice to the possibility of adjusting the proportion of candidacies to the established gender percentage. A financial incentive is also provided both for female candidates – a 0.0100 Development Unit (UF) larger reimbursement per vote obtained – regardless of whether the candidate is elected or not, and for their parties (UF 500 per elected female candidate). The idea behind the incentive for parties is to press them into actually supporting their female candidates, rather than leaving them little real chance of being elected. Both the gender quota and the financial incentives are transitional (temporary) measures that will apply to the next four parliamentary elections (2017, 2021, 2025 and 2029). Finally, the bill establishes that any political party that wishes to take part in the primary system for parliamentary elections in 2017, 2021, 2025 and 2029 may only do so in a similar proportion to the 40 per cent of candidacies for the positions of representative or senator they may put up for the final election, regardless of whether or not they enter an electoral pact.

At the same time, with respect to the dissemination of women's rights and encouragement of their leadership, in 2014, the National Service for Women set up 43 Leadership Training Schools in the country's 15 regions, providing training to 746 women. The purpose of these schools is:

1. To foster and strengthen female leadership, enabling participants to become spokespersons for their communities or interest groups, always from a gender perspective;

2. To provide a place where women of varying ages and backgrounds can meet and identify shared needs relating to their status and position in comparison with their male counterparts, thereby promoting women's

associations and contributing to the exercise of a kind of leadership far removed from traditional hierarchical and non-participatory leadership styles.

To strengthen this line of work, the National Service for Women's 2015-2018 Participation Programme envisages incorporating three components. The first prioritizes working with non-organized women with a view to disseminating their rights. This will facilitate recognition that women possess human rights and are entitled to public activities reflecting that recognition.

The second component of the programme will seek to foster women's associations designed to highlight hurdles and gaps that hamper both full exercise of their rights and their proposals for overcoming such barriers. This component will furnish tools for dialogue with other organizations and the State.

The third component, fostering leadership, will strive to ensure that women are able to represent the principal demands of their communities and of women in general and to place those concerns on public agendas that involve dialogue and negotiation with other social actors.

At the same time, in 2014, in connection with strategies laid out for 2015-2018 and cross-cutting intercultural policies and programmes, the National Service for Women developed, in coordination with the Indigenous Affairs Unit of the Ministry of Social Development, four **Area Meetings with Women in Indigenous Peoples**. Those encounters sought to achieve participatory diagnostic assessment of those women's interests and demands, with a view to crafting a plan of action to address women's rights (economic, sexual, political, and the right to a life free from violence), taking into account their vision of the universe and their culture. Outcomes of those encounters will provide feedback for SERNAM and its programmes, as well as for the future Ministry for the Advancement of Women and Gender Equity.

Taking part in the meetings were large numbers of women from Chile's native peoples (Aymara, Licantanoy, Kolla, Mapuche, Quechua, Rapa Nui, Diaguita, as well as Afro-descendants), from all over the country, centred on four implementation areas: the Antofogasta,[1] Libertador General Bernardo O'Higgins,[2] Metropolitan and Auracania regions.

Finally, one might mention the Executive's "**bill for the strengthening and transparency of democracy**", admitted to Congress on 16 December 2014 (Bulletin 9760-07).

This bill forms part of a series of reforms undertaken to strengthen our democracy. Its hallmark is a more effective emphasis on increasing democratic oversight, disclosure, and transparency in political financing.

From a women's participation in politics perspective, it is worth noting that, in order to achieve greater equity, in politics and political campaigning, the bill provides for a quarterly contribution for political parties represented in either chamber of Congress to be set aside for financing their regular activities and for research, for fostering the participation of women and youth in politics, for civic training for citizens and for the preparation of studies in support of the work done by parliament and the crafting of public policies. The bill establishes that regulations issued by the Ministry/General Secretariat of the Office of the President shall determine what expenses shall be considered essential to regular operations and what percentage of the contributions is to be earmarked for each

[1] Arica and Parinacota regions; Iquique; Antofagasta; Atacama/.

[2] O'Higgins; Coquimbo; Valparaiso; and Maule regions.

of the aforementioned purposes. It establishes that "in any case, at least 10 per cent of the total allocated to each party shall be used to foster women's participation in politics". Separate accounts are to be kept for public and private contributions and shall be posted on the parties' websites, with a monthly breakdown of income and expenditures in the aforementioned categories, including that shown under letter (l) "Expenditure on activities to foster women's participation" (new subpara. 2 of art. 34, Act 18,503).

This bill is at the first constitutional reading stage in the Chamber of Deputies.